

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE, TENNESSEE

SNMP RESEARCH, INC. and SNMP)
RESEARCH INTERNATIONAL, INC.,)
)
 Plaintiffs,)
)
 vs.) Case No. 3:20-cv-451
)
EXTREME NETWORKS,)
)
 Defendant.)
)

ELECTRONICALLY-RECORDED DISCOVERY CONFERENCE
BEFORE THE HONORABLE DEBRA C. POPLIN

Thursday, December 21, 2023
11:00 a.m. to 11:39 a.m.

APPEARANCES:

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1 THE COURT: All right. Good morning. This is
2 Judge Poplin.

3 So, we are here to address a recent e-mail sent
4 to chambers, and this is addressing the 30(b)(6) Notice,
5 and I want to find out what the current status is. What
6 it appears from the communications sent to chambers was
7 that the parties were addressing the number of topics
8 and had several meet and confers to address those, and
9 then also trying to set a particular date. The initial
10 date was November 17th as a placeholder, and then there
11 was to be discussions about setting the deposition in
12 mid January.

13 So, I -- the last correspondence received, I
14 believe, was from Mr. Lee, and I understand he is not on
15 the line. So, let me ask: Who from Extreme will be
16 addressing the current status?

17 MR. TABAIE: This is Abraham Tabaie, Your
18 Honor.

19 THE COURT: All right. Mr. Tabaie, what is the
20 current status from Extreme's perspective?

21 MR. TABAIE: Sure. Thank you, Your Honor.

22 So, the current status from Extreme's
23 perspective, we finished meeting and conferring on the
24 topics. Yesterday we informed -- and after that, we
25 went back to our client to go over SNMPC's positions,

1 and we informed SNMMPR that we're in agreement on 19
2 topics and not in agreement on 21. And then SNMMPR
3 responded and noted that they were okay with two other
4 topics as we had limited it.

5 So, as of right now, there isn't -- we met and
6 conferred successfully and have agreed on 21 of the
7 topics, and there is 19 still in dispute.

8 That meet and confer process was long. There
9 were five different sessions and, in total, with over
10 six hours. That finished in December, on December 12th.

11 We are now -- we now have a dispute about the
12 topics. We don't know how many topics are in dispute
13 because -- and not as a criticism because we sent the
14 e-mail to them yesterday, but we had not heard back from
15 SNMMPR about which topics they're willing to drop. We
16 don't know if it's 19 or some other amount.

17 But we have an issue where we have presumably a
18 handful or a number of topics that either are going to
19 be dropped by SNMMPR or that are going to require the
20 Court's input to determine whether they're proper topics
21 that need to be adjudicated.

22 And we don't think we're being nitpicky here.
23 Your Honor, one of the topics is the complete basis for
24 all of the affirmative defenses. And, so, you know,
25 these are the kind of topics that we don't think are

1 reasonably particular.

2 And, so, we're in a position now, we're trying
3 to go identify potential dates for depositions for the
4 topics that we've agreed to, and we're working on that
5 very diligently.

6 We had told -- before they reached out to the
7 Court, we had told SNMPR that we would get them proposed
8 dates for the topics that we agreed to by tomorrow. Our
9 inhouse counsel has been sick since the 16th of
10 December, and, so, we are trying diligently to do that.

11 So, we are in a position where we proposed that
12 timeline to SNMPR, and they decided to go to court
13 instead of work with us a few more days to get proposed
14 dates.

15 We think we're going to be able to start this
16 deposition process in mid January with some of the
17 topics, but we have five or six witnesses that we're
18 going to need to identify just to cover the topics that
19 we've agreed to.

20 At least one of those witnesses is on a
21 once-in-a-lifetime trip to Cambodia and Vietnam in
22 January. And, so, we just need a couple more days to
23 provide proposed dates for these witnesses on the topics
24 that we've agreed to.

25 And then there is the separate issue of we need

1 to figure out a way to adjudicate the topics of which
2 there is disagreement. And we have some proposals for
3 that, but I think that's getting ahead of it.

4 THE COURT: Okay.

5 MR. TABAIE: I'll stop there.

6 THE COURT: Okay. Let me ask this question:
7 On the topics that you have been able to reach
8 agreement, so, those -- that number is 21 -- you say
9 that you are working towards deposition dates for the
10 witnesses on those particular topics for mid January;
11 correct?

12 MR. TABAIE: No, Your Honor. We are -- we
13 think those are going to begin in mid January. We can
14 see ourselves having one or two depositions starting
15 around the 15th.

16 But we do think that for some of these topics,
17 especially some of the topics that are going to require
18 significant, significant prep for, that those
19 depositions would be in February. And not -- we're not
20 talking about February 27th; we're just talking about
21 the first half of February is what we're aiming for,
22 depending on witness availability.

23 THE COURT: Okay. And based on the agreed-upon
24 topics, Extreme has identified five to six potential
25 witnesses for those topics; is that correct?

1 MR. TABAIE: That's correct. That's right.

2 THE COURT: Okay. And one of the five or six
3 is going to be on a trip in January?

4 MR. TABAIE: That's what we've been able to
5 identify thus far. It's the holidays. We just
6 agreed -- we just agreed on these topics yesterday, but
7 we had been working for days to figure out availability.
8 It's just difficult.

9 These topics are not the kind of thing where
10 one person just has the knowledge and they're looking
11 for the person that knows the most. They're going to
12 require preparation for those folks to get prepared.
13 And, so, you know, with -- it's been some work
14 identifying topics for that.

15 And I've just been reminded that we're
16 definitely going to have more than one or two or a few
17 limited, but we're still -- we're still identifying the
18 exact number. So, that's a correction on my part.

19 THE COURT: Okay. Thank you.

20 All right. Mr. Wood, what is the status from
21 plaintiffs' perspective?

22 MR. WOOD: Thank you, Your Honor. Mr. Ashley
23 is going to be addressing our side of the argument.

24 THE COURT: All right. Mr. Ashley.

25 MR. ASHLEY: So, first of all, thank you, Your

1 Honor, for having this hearing on short notice.

2 With respect to the 30(b)(6), what we -- what
3 we want and what we need is actual dates, and we do need
4 them around mid January. We don't want this to bleed
5 into February.

6 You know, we noticed this depo at the end of
7 October. We told them then, let's start securing dates.
8 We can keep meeting and conferring, but we need to start
9 securing dates for marketing people, financial people,
10 because they do fill up.

11 You know, our request that they have -- we have
12 depositions taking place by January 15th, that's
13 two-and-a-half months after we served this notice. So,
14 we think that request is reasonable. And, you know,
15 this is not something that should have come as a
16 surprise to Extreme.

17 And the predicament that we face without
18 dates -- and you're still not hearing actual dates or
19 actual witnesses. The predicament that we face is:
20 This is going to be a heavy expert case. I think the
21 parties have indicated to the Court on multiple
22 occasions they're expecting ten or more total. We
23 expect to have five or more. And obviously the other
24 side's corporate depo provides key foundational
25 information for that work. And these experts aren't

1 doing isolated work. I mean, some are considering the
2 work of others. So, it takes a lot of coordination and
3 a lot of time. And that's why we noticed this back in
4 October.

5 And we would have noticed it even earlier, but
6 you might remember we had some trouble getting Extreme
7 to comply with some discovery requests and prior court
8 orders. We had to move on ten issues in the fall, and
9 it wasn't until we moved that we finally got some
10 traction with Extreme. So, that put us behind. You add
11 on top of that that they would not give us any dates,
12 not even placeholder dates. It's not like they don't
13 know who their financial people are and their marketing
14 people are. So, we're in this predicament.

15 And it really affects plaintiffs the most
16 because we have opening reports due April 2nd, which,
17 you know, even at mid January, that would be, like,
18 two-and-a-half months to take all these depos, get the
19 foundational information, figure out how it affects
20 experts, how it might affect what they can opine as to
21 and how they do it, and that's not enough time, and it
22 affects us asymmetrically.

23 So, we do think that they should have to
24 produce in January. We think they can do that. There
25 may be one witness that is out of the country. I would

1 want to know when they were out of the country in
2 January, the actual dates, but I'd also want to know why
3 they have to be the witness. This is a corporate
4 designee. So, it seems to me they should be able to
5 provide hard dates.

6 Now, if they want a couple more days to do
7 that, I suppose that's okay. But I think they should
8 have to report to the Court those dates, or at least
9 report to us.

10 You know, they say that we jumped the gun in
11 asking for this call, but they never said they were
12 going to give us dates. What they said was they would
13 give us their response.

14 And, so, we have been asking for dates for a
15 long time. I think this is a problem of Extreme's own
16 making and I think they should have to fix it.

17 We respectfully request that you order them to
18 give actual dates, at least for the topics already
19 agreed on. We can talk about the other topics, you
20 know, as well. But at least for those topics, they
21 should have to give dates. They should have to give
22 them in January.

23 And we really do need to, you know, extend our
24 date for the opening report deadline to the same as
25 their date. We -- you know, it's just 28 days. We

1 think, you know, at this point, we're looking at, you
2 know, three-and-a-half months after we noticed their
3 depo that we finally get somebody. We shouldn't have
4 had to anticipate that.

5 And it's no prejudice to Extreme. We're not
6 asking them to change one of their deadlines. We're
7 just moving our deadline up to theirs so it's
8 simultaneous openings, simultaneous rebuttal, which is
9 what the federal rules provide by default. It's
10 actually what Extreme itself suggested to the Court in
11 the very first 26(f) report.

12 So, that will help us a little bit, but I still
13 think if they -- if they're not required to give actual
14 dates now, we're -- it's just going to drag this process
15 out again. And we don't want to lose our trial date.
16 We don't think the district court is in any mood to
17 change the trial date again.

18 And, so, I just think, you know, specific dates
19 for the depo and moving our reports to the same deadline
20 as theirs, I think that's going to have another effect,
21 which is going to -- it's going to reduce the delays
22 going forward when both sides face the same risk from
23 delays. So, we would ask that Your Honor order that,
24 too.

25 THE COURT: Okay. Thank you.

1 All right. We do need to keep this case on
2 track and get everything completed so that you can move
3 to your trial date.

4 So, what I would like to do is to ask Extreme,
5 if you will try to come to your identified witnesses for
6 the 21 topics that are currently agreed on and work
7 diligently in securing some dates in mid January. And I
8 would like to have a joint statement from the parties by
9 next Thursday, which will be the 28th, advising as to
10 the witness and the dates for the deposition.

11 I want the parties to continue to work on the
12 topics that are in dispute and work towards getting that
13 completed, along with the identification of witnesses
14 for those topics. I would like that to be included,
15 what your efforts are in that regard, in that joint
16 report to the Court on the 28th.

17 In working towards that, if it does look like
18 that is going to impact the opening report dates of
19 April, I want you to meet and confer on that and submit
20 a joint motion if that's agreed upon. If not, I do want
21 you to contact my chambers and I'll get you back on the
22 call to discuss that as well.

23 But I'm not certain at this point, without
24 hearing what the deposition dates are and the
25 availability of witnesses, whether that needs to be

1 addressed at this moment. But I do understand that it
2 could become something that needs to be addressed in
3 January. So, please continue to discuss that and try to
4 reach some agreement. And, again, that would need to be
5 under a joint motion. So, that is the deadline set in
6 the scheduling order.

7 MR. TABAIE: Your Honor, may I make two points
8 of clarification or requests regarding that?

9 THE COURT: Yes.

10 MR. TABAIE: The first concern I have is: You
11 know, we're already going to be putting up a number of
12 witnesses for this 30(b)(6). There are likely going to
13 be, you know, ruling on the objections to topics, and
14 these topics are very broad and very burnt and brush
15 tipped to prepare for.

16 It would be very difficult for us to agree to
17 dates and then have a ruling maybe a couple days or a
18 few days before, or even a week before that deposition,
19 that some of these other topics are appropriate for
20 testimony.

21 And, so -- so, to us, on our side, it's -- it's
22 hard to not -- to plan out our deposition planning
23 without having certainty on what the topics are.

24 And, so, is there a way we can put in place a
25 process for adjudicating these objections to topics?

1 And we've met and conferred. It appears we have a
2 dispute about these other topics. And, in the meantime,
3 we'll get dates, but with enough time so that we can
4 prepare folks on the topics that Your Honor rules are
5 appropriate 30(b)(6) topics. So, that's point one.

6 And then point two is: You know, in talking to
7 folks, I don't think -- and in looking at our own
8 availability, I don't think we're going to be able to
9 provide dates in mid January for all of our witnesses,
10 or even, you know, all but one who is traveling. And,
11 so, can I ask for a little flexibility on the mid
12 January piece of this?

13 THE COURT: Well, what I would like to see as
14 to that point, on the 28th, I would like to see that you
15 have talked to the witnesses and you have identified
16 some dates. If they are not in mid January, you know,
17 an explanation of why it needs to be at a later time.

18 And, again, this is a joint statement. So,
19 this will require you to have the discussions with
20 Mr. Wood, explain to him, and then that be in the joint
21 statement to the Court. Are persons traveling, or due
22 to schedule -- your schedule and that of the witness,
23 you do not have sufficient time to prep the witness;
24 whatever the reason is, I would like to see that noted
25 and know that the parties have had a discussion about

1 that.

2 And right now, it sounds like, with there just
3 being agreement on 21 topics, that's what I was trying
4 to get you to go ahead and start depositions on as you
5 continue to try to work through it. And it sounds like
6 you may not be able to, and I would anticipate receiving
7 information about that to have an informal conference to
8 address those.

9 But is there some reason that you cannot go
10 forward with the agreed-upon topics as the parties first
11 tried to address with or without the Court's assistance
12 on the remaining topics?

13 I mean, it may be that -- and this is a
14 question I have: Would that -- because it's on a
15 certain topic, would that be opening up the deposition
16 of a particular witness, if they are deposed in, say,
17 mid January and then the dispute as to the topic is
18 resolved, is it a possibility that that witness needs to
19 be redeposited?

20 MR. TABAIE: That's the issue, Your Honor.
21 And, so, you know, there is going to be -- I suspect,
22 but I don't know, that if -- say that we put up three or
23 four witnesses, that the other side is going to use 21
24 to 28 hours. So, seven hours for each.

25 Then if we put up -- if we were to put up that

1 same witness on -- you know, for example, we are
2 agreeing to produce -- to -- to one topic about a
3 license that is Extreme's license, but with other
4 licenses, we're not willing to put up a witness. If
5 Your Honor rules that those two licenses are
6 appropriate, the witness may be the same for all three.
7 And yet the time -- you know, there is going to be real
8 time issues and efficiency issues of having witnesses
9 deposed twice. And that's my concern here.

10 THE COURT: All right. And I understand that
11 concern. Is that then a point of your discussions?

12 MR. TABAIE: We have discussed -- my
13 understanding -- and, you know, I'm sure Mr. Ashley will
14 correct me if I'm wrong. My understanding is we have
15 discussed, like, signing, but until we have, like, the
16 amount of hours, until we have the total number of
17 topics decided and the -- a number of witnesses we're
18 going to have for those total number of topics, it's
19 difficult for both sides, I think, to determine how much
20 time is necessary.

21 And, so, for example, Your Honor, if we end up
22 putting up five or six witnesses, we think that it's
23 inappropriate to take 35, 40 hours of 30(b)(6)
24 testimony. We just think that's burdensome. But we
25 sort of need to understand -- and I think both sides

1 need to understand what the quantum of topics are going
2 to be for us to -- that Extreme is going to have to
3 testify about before we get into the nitty-gritty of,
4 you know, how much time is available, when the witnesses
5 are going to be deposed, you know, so they don't need to
6 be deposed again.

7 And that's why I was suggesting that we'll work
8 on availability, you know, from mid January
9 through -- I'm just throwing out a number -- into, like,
10 mid February, and that gives us enough time for the --
11 for us to adjudicate the topics in order -- in order to
12 get finality on that.

13 For example, we're agreeing to produce somebody
14 on -- on the financial topics, our finances. That's the
15 kind of deposition that could go in mid January because
16 we probably wouldn't put the finance person up again for
17 the objected-to topics.

18 But the later ones, you push back a little bit
19 so you can figure out the topics and which topics we
20 have to provide witnesses on first so they're not having
21 to go twice.

22 THE COURT: Okay. So, with regards to the
23 finance person, you feel that if the topics are agreed
24 to for that person, there would not be a need to
25 redepose based on the topics that are in dispute?

1 MR. TABAIE: That's my view. And that is one
2 of -- that is correct, and that is one of the topics
3 that we understand -- although, we could be wrong -- we
4 understand SNMMPR is most focused on in advance of their
5 expert reports. So, we do that one in mid January.
6 That one won't need -- that person wouldn't be needing
7 to be redeposed again. We get that one done.

8 And then for the later topics, we push it out a
9 little bit so we have enough time to figure out which
10 ones Your Honor thinks are appropriate 30(b)(6) topics
11 and which ones Your Honor thinks are not.

12 THE COURT: All right. Let me turn to
13 Mr. Ashley and ask: What would be your position on that
14 proposal to go ahead and depose the finance person in
15 mid January and then in the interim work towards the
16 agreement on the topics and at the same time with
17 extreme working on getting dates in late January, first
18 of February?

19 MR. ASHLEY: So, Your Honor, a couple issues
20 with that. First of all, finances is one. Another key
21 issue that we need to depose somebody on is their
22 marketing person. So, I'd first want to hear if the
23 same is true for marketing from them.

24 THE COURT: Okay. Let's stop right there and
25 ask Mr. Tabaie. How about the marketing person? Is

1 there agreement on all the topics for your marketing
2 person?

3 MR. TABAIE: I'd have to do that at -- not yet,
4 Your Honor, is what I'm being told; in all truthfulness,
5 texted by both sides. I don't know if you'd like them
6 to go --

7 MR. ASHLEY: Here is the problem, Your Honor;
8 this is the problem: So, they know we need marketing
9 and finance and a couple other of these depos that are
10 very important. So, I think they should have to
11 articulate to you right now what it is about marketing
12 that says they can't give us a date in mid January.

13 THE COURT: Well, Mr. Ashley --

14 MR. TABAIE: Your Honor --

15 THE COURT: No, stop. Okay. So, Mr. Ashley, I
16 want you to just limit your response to my question of
17 what would be a problem with going ahead with the
18 deposition of the finance person in mid January.

19 MR. ASHLEY: The difficulty is: That's only
20 one of the depositions that we sorely need to start
21 early.

22 THE COURT: Right --

23 MR. ASHLEY: That's why I focused on the other
24 ones.

25 THE COURT: -- but why can you not take that

1 one?

2 MR. ASHLEY: We would.

3 THE COURT: Are you saying you cannot take it
4 in isolation?

5 MR. ASHLEY: No, we would. We would be happy
6 to take that deposition. That's why I'm just asking if
7 there is one other that they could do as well.

8 And that -- in other words, we will work with
9 them. As long as we're getting them all done, you know,
10 quickly after January 15th, even if it's not January
11 15th, we'll work with them, but it is very important
12 that we can get a marketing person. And that's one of
13 the ones that was expressly agreed to. It's one of the
14 21 topics.

15 And, so, we've been trying to set dates, mainly
16 because that's what we need; we need a marketing person
17 now. And they have never said they -- last night, what
18 they did, they sent us an e-mail last night, after
19 telling us on November 20th in writing they would
20 produce a marketing person, and they somewhat narrowed
21 the topic and we agreed to that. On December 12th, we
22 said fine. Last night, after having agreed, they
23 revoked it.

24 MR. TABAIE: No.

25 MR. ASHLEY: I then responded and said, wait,

1 we do have an agreement on that. And I thought at the
2 beginning of this call, Mr. Tabaie said we have
3 agreement on 21 topics. Well, the 21 topics include
4 marketing.

5 And, so, that's my biggest concern is that that
6 is one of the foundational depositions that we need, and
7 I -- I think it would really be detrimental to us if we
8 just put it off for a while if there wasn't a reason to.

9 THE COURT: Okay. If you can stop right there
10 a second.

11 Mr. Tabaie, so --

12 MR. TABAIE: Sure.

13 THE COURT: -- what I'm hearing is that
14 Mr. Ashley is stating that he felt there was agreement
15 within those 21 topics that those covered the marketing
16 topics. So, here, the question is why the marketing
17 person cannot be set in January along with the finance
18 person. So, how many of the 19 disputed topics are
19 marketing?

20 MR. TABAIE: So, there is one topic that says
21 marketing, Your Honor, but we -- we would be probably
22 putting up the same witness for the marketing topic as
23 we would on topics 15 and 17 that go -- that we think
24 are objectionable.

25 So, it's not the issue of the marketing topic

1 itself; it's the fact that topics 15, which is the
2 revenue cost and profit from the sale of the products
3 that -- that are -- it's basically why -- why are
4 those -- why is the sale of those profits not
5 attributable to the copyrighted work, which overlaps
6 with the marketing. And then topic 17 is the value of
7 the research software in the products, which also goes
8 to the marketing topics.

9 So, this all goes to a portion, Your Honor,
10 which would probably be the same person that's doing the
11 marketing. And, so, this is my point of, yeah, we go
12 forward with one topic in mid January. Then we're going
13 to have to redepose that person again if Your Honor
14 rules in the other side's favor for two topics that we
15 think are inappropriate.

16 THE COURT: Okay. Well, with respect to that,
17 if that person is ready to testify just as to the
18 marketing and not as to topics 15 and 17 which are
19 overlaps, can you not go forward with the -- I'm going
20 to say marketing portion of that deposition, both
21 understanding that once you work through these other
22 topics, that particular person may need to be redeposed
23 on 15 and 17?

24 MR. TABAIE: And, Your Honor, I mean, will
25 this -- that is something we can -- that's something we

1 can work on, but if they spend seven hours talking with
2 the person about marketing, then, you know, we would say
3 that their time is up on the other topics that we would
4 propose the witness for.

5 MR. ASHLEY: Your Honor, we could agree to do
6 both in seven hours total.

7 MR. TABAIE: Both finance and marketing?

8 MR. ASHLEY: No, we could agree to do -- you
9 said that topics 15 and 17, which are in dispute, the
10 same witness might go to that -- those two topics that
11 is going to marketing. So, if that turns out to be the
12 case, then you should let us know in advance so we know
13 that. We will make sure to limit our marketing and
14 topics 15 and 17 total to seven hours.

15 MR. TABAIE: And -- and I apologize, Your
16 Honor. I know this is inappropriate to have a meet and
17 confer on a -- on an informal discovery conference.

18 But would -- could we agree that one or -- or
19 one of those depositions could be remote? If it's -- if
20 the person has to come back a second time.

21 MR. ASHLEY: I -- I don't know. If it
22 means that -- if it's that, or the fact that we don't
23 get the marketing person mid January, then we would
24 probably agree to it. But I don't know why we would
25 have to agree to that.

1 MR. TABAIE: Well, I think --

2 MR. ASHLEY: If that's what the judge orders,
3 we would be fine. We just don't want to not have the
4 marketing depo in mid January because of an issue with
5 total hour count for topics 15 and 17 combined with
6 marketing.

7 MR. TABAIE: So, Your Honor, why don't we on
8 the -- my suggestion would be on the Extreme side for us
9 to work the phones today and tomorrow to figure out if
10 we can get a finance person and a person on the
11 marketing topic, which is -- for clarity, is topic 13,
12 in mid January. And then from there we will work on
13 providing dates later for the remaining topics so we can
14 work out the disputed topics.

15 THE COURT: Okay. I think that's reasonable
16 and what I was trying to work towards. So, I do want
17 you to do that. And I would like to have a joint status
18 report on the 28th as to your efforts.

19 MR. ASHLEY: And one question, Your Honor: I
20 know that we're really focused on finance and marketing
21 and topics 15 and 17 right now, but I'm assuming that
22 your order earlier that we -- that they give us dates,
23 even if it's not mid January, that they give us actual
24 dates for the 21 agreed-upon topics, not just marketing
25 and finance. They're still supposed to do that so we

1 can let them know --

2 THE COURT: And I understood Mr. Tabaie saying
3 that he would work on that, and those would be past mid
4 January, though, into the end of January, first of
5 February. And he was going to get --

6 MR. ASHLEY: Uh-huh.

7 THE COURT: -- those dates, and I wanted you to
8 further consider, you know, how that would impact that
9 opening report and have discussions about that as well
10 and see if it's necessary to file a joint motion to
11 alter the dates.

12 MR. ASHLEY: Yes, Your Honor. Thank you.

13 MR. TABAIE: Yes, Your Honor. We're going to
14 work on that. The only thing -- and it's just because I
15 don't want to be limited to a promise that I can't keep.
16 Like, for example, I know one of our witnesses that
17 we've identified is gone for the month of January. It's
18 not going to be the first of February; it's going to be
19 in the first half of February that we would put as those
20 dates is what my thought was, if it's okay with you.

21 And I'm not saying all of them will be at the
22 end of February. I'm saying -- or the end of that time
23 frame. It's just that if we could have that window to
24 go find the rest of our witnesses. Because it's not
25 like we could have these one after another. They're

1 very, very involved topics that's going to involve a lot
2 of prep.

3 THE COURT: Yes. And that's what I was
4 explaining that I want to see in that joint statement;
5 that you've made efforts, and if there is a reason that
6 that person cannot be available in January for whatever
7 reason, or cannot be ready, I want to understand that as
8 well; that at least you've made the effort and you've
9 had the discussion.

10 MR. TABAIE: Okay. Your Honor, only because it
11 is going to be over the holidays and I may have
12 challenges getting back to employees during next week,
13 could we give us -- ourselves one more day to the 29th
14 to get in that joint status report?

15 THE COURT: That will be fine.

16 MR. TABAIE: Thank you, Your Honor.

17 THE COURT: Okay. Well, I'll expect to receive
18 that on the 29th. Right now, I would anticipate seeing
19 that there will be a date in mid January for the finance
20 person and a marketing person for topic 13, and
21 hopefully see that progress is being made on getting and
22 securing dates for the additional witnesses and more
23 efforts on the meet and confers regarding the 19 topics
24 that are in dispute and discussions regarding the
25 opening state for reports.

1 MR. TABAIE: Thank you, Your Honor.

2 MR. ASHLEY: Thank you, Your Honor.

3 THE COURT: Okay. So, I hope you all do have a
4 good holiday over the next two weeks, and I will be back
5 with you at the first of the year.

6 MR. TABAIE: Thanks.

7 MR. ASHLEY: Thank you. Happy holidays, Your
8 Honor.

9 THE COURT: Thank you.

10 (Which were all the digitally-recorded
11 proceedings had and herein transcribed.)

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1 C-E-R-T-I-F-I-C-A-T-E

2 STATE OF TENNESSEE

3 COUNTY OF KNOX

4 I, Teresa S. Grandchamp, RMR, CRR, do hereby
5 certify that I reported in machine shorthand the above
6 digitally-recorded proceedings; that the foregoing pages
7 were transcribed to the best of my ability to hear and
8 understand the recorded file under my personal
9 supervision and constitute a true and accurate record of
10 the digitally-recorded proceedings.

11 I further certify that I am not an attorney or
12 counsel of any of the parties, nor an employee or
13 relative of any attorney or counsel connected with the
14 action, nor financially interested in the action.

15 Transcript completed and signed on Wednesday,
16 December 27, 2023.

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21 TERESA S. GRANDCHAMP, RMR, CRR
22 Official Court Reporter
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